THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.23746 of 2006

Dated: 15th November, 2006

Between:

Boddepalli Ananda Rao
and another. **…..PETITIONER**

AND

The Commanding Officer, 11 Batallion,
Border Security Force, Jammu and
another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.23746 of 2006

ORDER:

The petitioners filed this writ petition seeking a direction to the 1st respondent to release entire death benefits of their son Sri Boddepalli Mohan Rao treating them as his legal heirs.

Petitioners 1 and 2 are the father and mother of one Sri Boddepalli Mohan Rao who died of H.I.V while on duty in 11th Batallian of Boarder Security Force. It is the case of the petitioners that their daughter-in-law by name Boddepalli Jamuna is also H.I.V stricken and the doctors advised that her life would be very short. It is the further case of the petitioners that they being the grand parents of the Boddepalli Sreya are taking care of her welfare. The petitioners stated that their daughter-in-law and her parents with a malafide intention are, making efforts to grab away the entire death benefits of their daughter-in-law and that out of love and affection she is prepared to offer the benefits of her parents, and if such thing happens their grand-daughter would suffer. Therefore, the petitioners pray for direction as above.

Heard the learned counsel for the petitioners and Sri M.Ganga

Rao, the learned counsel for the respondent No.1.

Though the petitioners raised several contentions, the learned counsel for the petitioners, however, admitted that there are civil disputes between the petitioners and the 2nd respondent and suits were filed before the civil courts under Sections 7 and 10 of Guardians and Wards Act 8 of 1890 and are pending. Until and unless the competent civil court adjudicates the status and rights of the petitioners and the 2nd respondent, this court cannot direct the 1st respondent to treat the petitioners as natural guardians of the daughter of their deceased son, and hold that they are entitled to receive the death benefits of their son.

In the above view of the matter, there is no merit in the writ petition, and the same is accordingly dismissed.

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(N.V. RAMANA, J.)

Date:15th November, 2006.

GRK